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(19) World Intellectual Property
Organization
International Bureau



08 OCT 2004



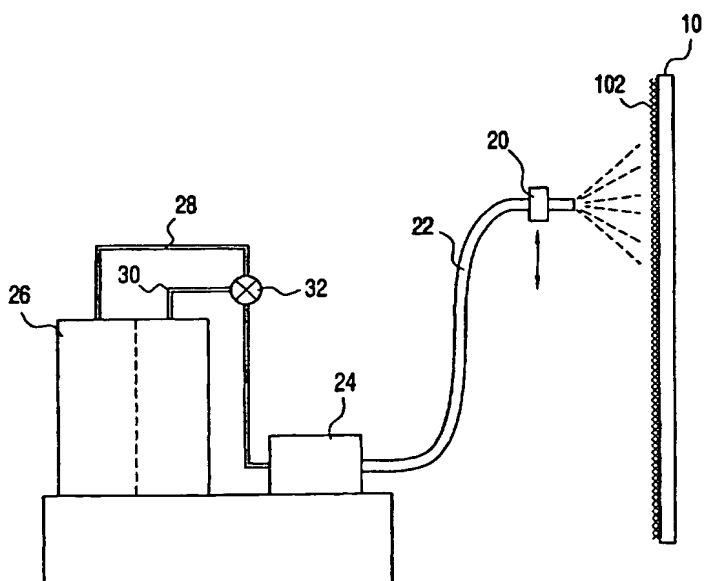
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WO 2004/092495 A3

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60/460,422 7 April 2003 (07.04.2003) US
- (71) Applicant (for all designated States except US): **B & H COATING, INC.** [US/US]; 1938 Windsor Drive, Salisbury, MD 21801 (US).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): **HALL, Bruce, S.** [US/US]; 616 Hunting Park Drive, Salisbury, MD 21801 (US).
- (74) Agent: **KERINS, John, C.**; Miles & Stockbridge P.C., 1751 Pinnacle Drive, Suite 500, McLean, VA 22102-3833 (US).
- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- Published:
— with international search report
- (88) Date of publication of the international search report:
31 March 2005
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: **SHRAPNEL CONTAINMENT SYSTEM AND METHOD FOR PRODUCING SAME**



(57) Abstract: A system for containing shrapnel, includes a panel (100). The panel is made of an elastomeric material. The panel is blast-resistant.

WO 2004/092495 A3

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
~~JOHN C. KERINS~~ *Ed*
 MILES & STOCKBRIDGE PC
 1751 PINNACLE DRIVE
 SUITE 500
 MCLEAN, VA 22102-3833

RECEIVED

DEC 13 2004

MILES & STOCKBRIDGE P.C.
 TYSONS CORNER

PCT

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT AND
 THE WRITTEN OPINION OF THE INTERNATIONAL
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference T3572-808375WO01	Date of mailing (day/month/year)
International application No. PCT/US04/10488	FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant B&H COATINGS, INC	International filing date (day/month/year) 06 April 2004 (06.04.2004)

1. ☒ The applicant is hereby notified that the international search and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statements

The applicant is entitled, if he so wishes, to file amendments to the international application (see Article 46):

When? The time limit for filing amendments is normally 3 months from the date of the international search report.

Where? Directly to the International Bureau of WIPO 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, within **20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

PHI DIEU TRAN A *V Hadger*

Telephone No. 703-872-9325

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

**Possible Suppl. IDS
 docketed for 3-10-05 in
 T3572-908375US01**

DOCKETED
 BY *mm* ON *12/16*
 BY *sl* ON *12-22*
 DUE DATE *2-10-05*
 CALL UP

Dkt 676

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To:
JOHN C. KERINS
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

Date of mailing
(day/month/year) **10 DEC 2004**

Applicant's or agent's file reference
T3572-808375WO01

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US04/10488

International filing date
(day/month/year) 06 April 2004 (06.04.2004)

Applicant
B&H COATINGS, INC

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

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- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
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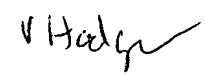
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In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

PHI DIEU TRAN A 
Telephone No. 703-872-9325

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference T3572-808375WO01	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US04/10488	International filing date (<i>day/month/year</i>) 06 April 2004 (06.04.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 07 April 2003 (07.04.2003)
Applicant B&H COATINGS, INC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

DOCKETED
BY max ON 12/16
BY 840 ON 12-22
DUE DATE 1-10-05
CALL UP

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.



none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/10488

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

NEW ABSTRACT

A system for containing shrapnel, includes a panel (100). The panel is made of an elastomeric material. The panel is blast-resistant.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/10488

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : E04C 1/40

US CL : 52/782.1, 409, 411, 506.01, 796.1, 800.1

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 52/782.1, 409, 411, 506.01, 796.1, 800.1

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
NONEElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)
NONE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,460,304 A (KIM) 08 OCTOBER 2002 (08.10.2002), FIGURE 4	1-27
A	US 3,029,172 A (GLASS) 10 APRIL 1962 (10.04.1962) FIGURE 2	1-27
A	US 4,226,071 A (BENNETT) 07 OCTOBER 1980 (07.10.80) FIGURE 2	1-27

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

10 November 2004 (10.11.2004)

Date of mailing of the international search report

10 DEC 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

PHI DIEU TRAN A *V. Hodge*
Telephone No. 703-872-9325

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
JOHN C. KERINS
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

Date of mailing (day/month/year) **10 DEC 2004**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

T3572-808375WO01

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/10488

06 April 2004 (06.04.2004)

07 April 2003 (07.04.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): E04C 1/40 and US Cl.: 52/782.1, 409, 411, 506.01, 796.1, 800.1

Applicant

B&H COATINGS, INC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

DOCKETED

BY MAA ON 12-27
BY 720 ON 12-27
DUE DATE 3-10-05
CALL UP

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

PHI DIEU TRAN A *[Signature]*

Telephone No. 703-872-9325

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.

PCT/US04/10488

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International Publication No.
PCT/US04/

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-13, 18-19, 25-27</u>	YES
	Claims <u>14-17, 20-24</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-27</u>	NO
Industrial applicability (IA)	Claims <u>1-27</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 14-17, 20-24 lack novelty under PCT Article 33(2) as being anticipated by Kim (6460304).

Kim (figures 4, 10) shows a blast resistant panel comprising a layer of an elastomer material (30) having a predetermined thickness, fastener elements (11) for securing the layer to a wall of a structure, the layer is made of polyurea, polyurethane, a channel member (A) secured to the panel around at least a portion of a periphery thereof, the panel further comprising a fabric reinforcing layer (20), the elastomeric material having a percent elongation at break in a range of about 100-800% (inherently so), the material having a tensile strength greater than about 2000 PSI (inherently so as it is the same material as that of applicant's).

Claims 1-13 lack an inventive step under PCT Article 33(3) as being obvious over Kim (6460304).

Kim shows all the claimed structural limitations. The claimed method steps of improving blast resistant at an interior of a wall of a structure would have been the obvious method steps of reinforcing Kim's structure.

Claims 18-19 lack an inventive step under PCT Article 33(3) as being obvious over Kim (6460304).

Kim shows all the claimed structural limitations except for the panel having a thickness in the range of about 100-180 mil. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kim's panel to show the panel having a thickness in the range of about 100-180 mil because such a modification would have involved a mere change in the size of a component; a change in size is generally recognized as being within the level of ordinary skill in the art, In re rose, 105 USPQ 237 (CCPA 1955).

Claims 25-26 lack an inventive step under PCT Article 33(3) as being obvious over Kim (6460304).

Kim shows all the claimed structural limitations except for the fabric being aramid fibers or polyester fibers. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kim's fabric to show the fibers being aramid or polyester because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use a matter of obvious design choice, In re Leshin, 125 USPQ 416.

Claim 27 lacks an inventive step under PCT Article 33(3) as being obvious over Kim (6460304).

Kim shows all the claimed limitations except for the panels having a steel channel and a plurality of fasteners adapted to fasten the steel channel and the one or more panels to a wall of the structure.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kim's structure to show the panels having a steel channel and a plurality of fasteners adapted to fasten the steel channel and the one or more panels to a wall of the structure because it would enable the easy attaching of the panels to a wall, and using steel channels with fasteners to attach a panel to a wall is known in the art as demonstrated by the attachment of windows, skylight in buildings.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.